

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 13, 2009 at 9:00
A.M., in Room 152 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: Sen. Dan McGee (R)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 301, HB 517, 3/6/2009

Executive Action: HB 95

HEARING ON HB 517

Opening Statement by Sponsor:

00:01:06 Rep. Galen Hollenbaugh (D), HD 81, opened the hearing on HB 517, Critical incident debriefing.

Proponents' Testimony:

00:02:18 Kevin Olson, Administrator, Montana Law Enforcement Academy; Montana Chiefs of Police; Montana Sheriffs and Peace Officers Association (MSPOA)

00:03:52 Darcy Dahle, Police Officer, Billings City Police, Billings

EXHIBIT(jus56a01)

00:12:11 Doug Neil, Montana State Firemen Association

00:13:35 Gordon Morris, Lewis and Clark County Commissioners

00:14:14 Mike McCarthy, retired, Lewis and Clark Sheriffs Department; Montana Law Enforcement Academy; Instructor, Critical Incident Stress Management Team

00:17:03 Bob Worthington, Montana Municipal Insurance Authority (MMIA)

00:18:00 Jim Smith, MSPOA; Montana County Attorneys Association (MCAA)

00:19:18 Matt Kuntz, Executive Director, National Alliance for Mental Illness (NAMI)

00:20:20 Pam Bucy, Montana Police Protective Association; Montana Chiefs of Police

EXHIBIT(jus56a02)

EXHIBIT(jus56a03)

EXHIBIT(jus56a04)

Opponents' Testimony:

00:23:40 John Barrows, Executive Director, Montana Newspaper Association

Informational Testimony:

None

Questions from Committee Members and Responses:

00:27:16 Sen. Laslovich

00:27:40 Ms. Bucy

00:35:06 Sen. Esp

00:35:35 Ms. Bucy

00:38:39 Sen. Esp

00:39:04 Ms. Dahle

00:41:38 Sen. Juneau
00:42:03 Ms. Dahle
00:48:15 Sen. Moss
00:48:24 Ms. Dahle
00:49:16 Sen. Esp
00:50:07 Ms Dahle
00:55:18 Sen. Esp
00:55:27 Sen. Perry
00:55:54 Ms. Bucy
01:01:08 Sen. Shockley
01:01:29 Ms. Bucy
01:04:15 Sen. Perry
01:04:48 Ms. Bucy
01:05:35 Sen. Juneau
01:06:48 Ms. Bucy
01:09:57 Sen. Laslovich
01:10:02 Ms. Bucy

Closing by Sponsor:

01:10:12 Rep. Hollenbaugh
01:11:35 break

HEARING ON HB 301

Opening Statement by Sponsor:

01:25:39 Rep. Deborah Kottel (D), HD 20, opened the hearing on HB 301, Include paralegal services in attorney fee awards.

Proponents' Testimony:

01:31:24 Barbara Bessey, Certified Paralegal; Chair, Paralegal Section, Montana State Bar; National Association of Legal Assistants (NALA); Montana Association of Legal Assistants (MALA)

[EXHIBIT\(jus56a05\)](#)

[EXHIBIT\(jus56a06\)](#)

01:40:36 Tammie J. Fagan, Vice Chairman, Paralegal Section of the State Bar of Montana

[EXHIBIT\(jus56a07\)](#)

Opponents' Testimony:

01:44:34 Chris Gittings, Chief Administrator, Browning, Kaleczyc, Berry & Hoven, P.C.

[EXHIBIT\(jus56a08\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:45:41 Sen. Laslovich
01:46:20 Ms. Fagan
01:51:01 Sen. Laslovich
01:52:01 Mr. Gittings
01:55:37 Sen. Laslovich
01:55:55 Rep. Kottel
02:01:29 Sen. Shockley
02:02:21 Mr. Gittings
02:05:36 Sen. Moss
02:06:22 Ms. Bessey
02:08:17 Sen. Moss
02:08:47 Rep. Kottel
02:09:37 Sen. Perry
02:10:00 Rep. Kottel
02:16:41 Sen. Larsen
02:16:52 Mr, Gittings
02:19:53 Sen. Jent
02:20:20 Rep. Kottel
02:24:12 Sen. Shockley
02:24:28 Mr. Gittings

Closing by Sponsor:

02:25:10 Rep. Kottel
[EXHIBIT\(jus56a09\)](#)

**Distributed to the Committee Members regarding HB 490 heard
3/12/09:**

[EXHIBIT\(jus56a10\)](#)

02:26:31 Sen. Esp

EXECUTIVE ACTION ON HB 95

02:28:07 **Motion/Vote:** Sen. Shockley moved to **RECONSIDER THE
MOTION TO TABLE HB 95**. Motion carried 9-3 by voice vote
with Sen. Hinkle, Sen. Larsen, and Sen. Murphy voting
no. Sen. McGee voted by proxy.

02:29:26 **Motion:** Sen. Laslovich moved that **HB 95 BE CONCURRED IN.**

02:29:43 **Motion:** Sen. Shockley moved that **HB 95 BE AMENDED.**
EXHIBIT(jus56a11)

Discussion:

02:31:15 Sen. Murphy

02:31:38 Sen. Shockley

02:33:22 Sen. Shockley **WITHDREW THE MOTION FOR HB 95 TO BE AMENDED.**

02:33:50 Sen. Moss for Sen. Laslovich **WITHDREW THE MOTION THAT HB 95 BE CONCURRED IN.**

Sen. Perry postponed the action on HB 95.

ADJOURNMENT

Adjournment: 11:45 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT ([jus56aad.pdf](#))